

FIFTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, August 8, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. ad interim Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.

Absent.

Clark.	Johnson of Hall.
Gibson.	Smith.

Absent—Excused.

Bailey.	Henderson.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator McCollum for today and tomorrow on account of important business, on motion of Senator Westbrook.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Message from the House.

Hall of the House of Representatives
Austin, Texas, Aug. 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. C. R. No. 3, granting leave of absence to Hon. Ben M. Terrell, Judge of the Sixty-seventh Judicial District.

H. C. R. No. 4, reaffirming the confidence of the people of Texas in the administration of President Woodrow Wilson.

S. B. No. 1, A bill to be entitled "An Act making an appropriation of \$125,000 to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills and Resolutions.

By Senator Hudspeth:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of the University of Texas, including the medical branch at Galveston, Texas, and other expenses of maintaining and conducting the same for the two fiscal years beginning September 1, 1917, and ending August 31, 1919; repealing all laws or parts of laws in conflict herewith or covering the subject-matter in whole or in part hereof; and declaring an emergency."

Read first time and referred to Committee on Finance.

Morning call concluded.

Senate Bill No. 3.

(By unanimous consent.)

Senator Hudspeth moved to suspend the Senate rule requiring committee reports to lie over one day, for consideration of Senate Bill No. 3.

Senator Dayton moved the previous question on the motion to suspend the Senate rule, which being duly seconded, it was so ordered.

Action recurred upon the motion to suspend and the same prevailed by the following vote:

Yeas—24.

Alderdice.	Buchanan of Bell.
Bee.	Buchanan of Scurry.

Caldwell.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Hall.	Robbins.
Harley.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Westbrook.
Johnston of Harris.	Woodward.

Absent.

Clark.	Johnson of Hall.
Gibson.	

Absent—Excused.

Bailey.	Smith.
Henderson.	

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 3 put on its second reading by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.

Absent.

Clark.	Johnson of Hall.
Gibson.	Smith.

Absent—Excused.

Bailey.	Henderson.
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The Chair laid before the Senate, on second reading,

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of the University of Texas, including the medical branch at Galveston, Texas, and other expenses of maintaining and conducting the same for the two fiscal years beginning September 1, 1917, and ending August 31, 1919; repealing all laws or parts of laws in conflict herewith or covering the subject matter in whole or in part hereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator McNealus offered the following amendment, which was read:

Amend Senate Bill No. 3 by striking out all appropriations for the School of Journalism wherever they occur in the bill.

Senator Page moved to table the amendment, and the motion prevailed.

Senator Lattimore offered the following amendment:

Amend Senate Bill No. 3 by striking out Section 2 of said bill and by renumbering Section 3 as Section 2. The amendment was read, and

Senator Hopkins offered the following substitute for the same:

Amend the bill by striking out Section 2 and insert in lieu thereof the following:

"Sec. 2. Provided, however, that the amounts herein appropriated are intended to be appropriated for the same purpose specified on pages 109 to 126, inclusive, of the Acts of the First Called Session of the Thirty-fifth Legislature, and in case the amounts herein appropriated become available and are used for such purposes, then the amounts appropriated for such purposes at the First Called Session shall not be available."

Senator Page moved that the pending amendment and substitute be referred to a special committee to draft a suitable amendment to accomplish the intended purpose.

The motion prevailed and the Chair named Senators Lattimore, Hopkins and Page as such special committee.

Senator Parr offered the following amendment:

Amend Senate Bill No. 3 by inserting after the grand totals the following:

"Provided, that the salaries fixed in this bill shall be for a period of twelve months, except where otherwise herein specially provided; and any person who shall draw a salary for any such fixed period shall not draw or be paid any other or special salary during such fixed period for which employed, and the board or governing body authorized by law to fix or adjust salaries or employ such persons to receive said salaries shall have the right to direct how, where, and in what manner said services shall be rendered.

"And provided further, that no adjustment of salaries shall ever be made, except that any salary may be

lowered; or a particular salary may be raised, but before any raise is made in any salary there must be a corresponding reduction in some other salary equal or greater than the amount of the raise, so that the total amount of the two salaries, after the adjustment, will not exceed the total amount of the two salaries before adjustment.

"And provided further, that no salary shall be paid except for services actually rendered and according to contract actually entered into before the services are rendered.

"And provided further, that no expense of any member of the faculty or other employe of the University of the State of Texas, shall be paid out of the several contingent funds herein fixed.

"And provided further, that any and all matriculation fees and dues and moneys collected from any and all sources by any professor or employe of the University of Texas shall be immediately deposited with some bank approved by the Board of Regents which will pay the highest rate of interest on daily balances, and be paid out only for the purposes which the Board of Regents may order and then only upon warrants properly issued and approved with duly verified itemized accounts thereto attached.

"And provided further, that the appropriation for the Cactus, Texan or other student publications herein made shall not be effective unless the managers of said publication shall make full, complete and duly certified itemized quarterly statements to the Board of Regents showing the amounts and source of all sums of money collected for or on account of any and all of said publications and how expended, if expended, and the amount of the credit of each, and if from said reports it be shown that said appropriations or any of same or any part thereof be not reasonably necessary, then the same or so much thereof as may not be necessary shall not be used. If said reports shall show that any salaries or fees are paid to any student or professor or other employe of the University other than a commission not exceeding ten per cent of the amounts collected for advertisements by the business manager of each publication, then said appropriations herein specified shall not be effective."

Senator Suiter offered the following amendment:

Amend Senate Bill No. 3 by striking out all appropriations for "contingent fund" wherever this term occurs in the bill.

On motion of Senator Dayton, both amendments were ordered printed in the Journal and consideration of same postponed until tomorrow.

Pending.

Recess.

At 12:10 o'clock the Senate, on motion of Senator Westbrook, recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. ad interim Dean.

Simple Resolution No. 16.

(By unanimous consent.)

Whereas, Hon. Wiley Mangum Imboden, a former honored member of the Senate, is in the Chamber. Be it

Resolved, That he be invited to address the Senate and be accorded the privileges of the floor.

LATTIMORE.

The resolution was read and adopted, and the Hon. W. M. Imboden addressed the Senate briefly.

House Concurrent Resolution No. 3.

The Chair laid before the Senate:

H. C. R. No. 3, granting leave of absence from the State to Hon. Ben M. Terrell, Judge of the Sixty-seventh Judicial District.

The resolution was read and adopted.

House Concurrent Resolution No. 4.

The Chair laid before the Senate:

H. C. R. No. 4, reaffirming the confidence of the people of Texas in the administration of President Woodrow Wilson.

The resolution was read and adopted.

Simple Resolution No. 17.

(By unanimous consent.)

Whereas, Article 2434 of the Revised Civil Statutes of Texas of 1911 is as follows:

"If any officer charged with the duty of depositing State funds shall refuse to so deposit same in the depository authorized to receive the same, he shall be liable on his official bond therefor and for interest on said amount which he has failed to so deposit, at the rate of 5 per cent per month, at the suit of the State or county, as the case may be; and this shall be a cause for removal from office"; and,

Whereas, The laws of the State of Texas plainly specify where all public moneys in the custody of any officials shall be deposited; and,

Whereas, It has been made to appear that various State officials have had in their custody funds belonging to the State of Texas, which have not been deposited according to law, now, therefore be it

Resolved by the Senate of Texas, That the Attorney General of the State of Texas be, and he is hereby requested and urged to institute suit against any and all officials of the State, who may have been charged with the custody of public moneys and who have failed or refused to deposit same in accordance with the law, to recover from said officers and their bondsmen said statutory penalty.

LATTIMORE.

Senator Page offered the following amendment which was read and adopted:

Amend the resolution by adding after the word officials in line 16 the following, "now in office and who have previously held office in the State of Texas;" further amend the resolution by adding after the word State in line 23 the following, "now in office or holding office in the past."

The resolution was read and Senator Hudspeth moved to refer the same to the committee on State Affairs.

The motion was lost by the following vote:

Yeas—4.

Alderdice.	Hudspeth.
Bee.	Parr.

Nays—17.

Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Robbins.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Hopkins.	Woodward.
Johnston of Harris.	

Absent.

Clark.	Henderson.
Gibson.	Johnson of Hall.
Hall.	McCollum.
Harley.	Smith.

Absent—Excused.

Bailey.

Senator Alderdice moved to lay the resolution on the table subject to call.

Senator Caldwell moved the previous question on the motion to lay on the table subject to call, which being duly seconded was ordered.

The motion to lay the resolution on the table subject to call was lost by the following vote:

Yeas—6.

Alderdice.	Hudspeth.
Bee.	Parr.
Hopkins.	Woodward.

Nays—15.

Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Robbins.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Johnston of Harris.	

Absent.

Clark.	Henderson.
Gibson.	Johnson of Hall.
Hall.	McCollum.
Harley.	Smith.

Absent—Excused.

Bailey.

Action recurred upon the resolution and the same was adopted by the following vote:

Yeas—18.

Alderdice.	Buchanan of Scurry.
Buchanan of Bell.	Caldwell.

Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Strickland.
Hopkins.	Suiter.
Johnston of Harris.	Westbrook.
Lattimore.	Woodward.

Nays—3.

Bee.	Parr.
Hudspeth.	

Absent.

Clark.	Henderson.
Gibson.	Johnson of Hall.
Hall.	McCollum.
Harley.	Smith.

Absent—Excused.

Bailey.

Bill Signed.

The Chair, President pro tem. ad interim Dean, gave notice of signing and did sign in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

(Senator Alderdice in the chair.)

Simple Resolution No. 18.

Whereas, There is now pending in the Congress of the United States, a bill known as the Tillman Bill, which is an act to pension Confederate soldiers; and,

Whereas, The noble-hearted soldiers of the Civil War who wore the blue and those who wore the gray, recently, in the city of Washington, in convention assembled, declared that the time is now opportune to provide for the care and maintenance of those who adorned the gray, as well as those who wore the blue—the latter now and for many years

being pensioned by this Government; and,

Whereas, the current session of the Congress is drawing to a close, and this bill having passed the Senate and is now pending in the House, and should be passed at this session, at the very latest; therefore, be it

Resolved, That the Senate of Texas hereby endorses said Tillman bill and here and now requests the House members of the Congress from Texas to ardently support said bill and use every honorable effort to speedily secure its passage.

HUDSPETH.
MCNEALUS.

The resolution was read and adopted by the following vote:

Yeas—12.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Parr.
Decherd.	Robbins.
Hopkins.	Suiter.
Hudspeth.	Westbrook.

Nays—7.

Bee.	Johnston of Harris.
Caldwell.	Page.
Dayton.	Woodward.
Dean.	

Present—Not Voting.

Harley.	Strickland.
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Absent.

Clark.	Henderson.
Floyd.	Johnson of Hall.
Gibson.	McCollum.
Hall.	Smith.

Absent—Excused.

Bailey.

Reason for Vote.

I vote "nay" because I still believe in the doctrine of States' rights and stand ready to vote still larger State pensions for the Confederate soldiers until his wants are supplied, so that it will not be necessary for them to beg alms from those whom they met on the field of battle, but that they may be permitted, as Confederate soldiers, to round out their lives in accordance with the doctrine they fought for and the proud spirit of the South.

DAYTON.

(President Pro Tem. ad interim Dean in the chair.)

Senate Bill No. 3.

(Pending.)

Action recurred upon pending business, Senate Bill No. 3, and the Chair laid the same before the Senate on second reading, the question being upon the engrossment of the bill.

On motion of Senator Lattimore, the bill was laid on the table subject to call.

Adjournment.

At 4:35 o'clock p. m. the Senate, on motion of Senator Hudspeth, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Report.

Committee Room,
Austin, Texas, Aug. 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of the University of Texas, including the Medical Branch at Galveston, Texas, and other expenses of maintaining and conducting the same for the two fiscal years beginning September 1, 1917, and ending August 31, 1919; repealing all laws or parts of laws in conflict herewith or covering the subject matter in whole or in part hereof; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

HUDSPETH, Chairman.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, August 9, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and

was called to order by President Pro Tem. ad interim Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Strickland.
Decherd.	Sulter.
Floyd.	Westbrook.
Harley.	Woodward.

Absent—Excused.

Bailey.	Johnson of Hall.
Gibson.	Johnston of Harris.
Hall.	McCollum.
Henderson.	Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Johnston of Harris for today and tomorrow, on account of important business on motion of Senator Lattimore.

Senator Bailey for yesterday, today and the remainder of the week on account of important business on motion of Senator Bee.

Senator Gibson indefinitely on account of illness on motion of Senator Woodward.

Senators Hall, Johnson, McCollum, and Smith, indefinitely on account of important business on motion of Senator McNealus.

Committee Reports.

See Appendix.

Senate Bill No. 3.

Senator Dayton called up from the table and the Chair laid before the Senate on its second reading:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of the University of Texas,